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Report of the International Court of Justice

Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice

Report of the Secretary-General

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I. Introduction

1. The present report is submitted pursuant to paragraph 15 of the Terms of Reference, Guidelines and Rules of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice ("the Terms of Reference"). It is subsequent to the report of the Secretary-General (A/47/444) submitted to the General Assembly at its forty-seventh session under the agenda item entitled "Report of the International Court of Justice".

II. Mandate

2. The Trust Fund ("the Fund") was established in 1989 by the Secretary-General under the Financial Regulations and Rules of the United Nations following consultations with the President of the International Court of Justice (ICJ). In accordance with the Terms of Reference issued at the time of the establishment of the Fund, financial assistance is to be provided to States for expenses incurred in connection with (a) a dispute submitted to the International Court of Justice by way of a special agreement or (b) the execution of a judgment of the Court resulting from such special agreement.

III. Beneficiaries

3. The Fund is open to all States parties to the Statute of the International Court of Justice and to non-member States having complied with the conditions stipulated in Security Council resolution 9 (1946) of 15 October 1946.

4. In the last report of the Secretary-General, it was noted that, in March and September 1991, the Fund had received from two developing countries its first and second applications for financial assistance. On the recommendation of the Panels of Experts set up in both cases in accordance with the Terms of Reference of the Fund, limited financial assistance was awarded by the Secretary-General to the two States concerned to defray expenses incurred by them in connection with the submission of their cases to the Court.

5. During the period under review, the Fund received two new applications respectively submitted on 13 September 1996 and 3 January 1997 by two developing countries. In both cases, financial assistance was sought in connection with the submission to the Court by the Applicants of a boundary dispute with a neighbouring State.

6. On the recommendation of the Panel of Experts set up in accordance with paragraph 9 of the Terms of Reference, an award was made by the Secretary-General to both Applicants in March 1997. In the case of the first Applicant, the award aimed at defraying fees and incidental expenses of counsel and scientific advisers, as well as costs incurred in (a) printing and reproduction of documents and maps, (b) acquiring satellite images and (c) demarcating the boundary pursuant to the future ruling of the Court. In the case of the second Applicant, the award aimed at defraying fees for agents, counsel, advocates and experts or witnesses, as well as costs incurred in (a) preparing and printing documents and technical materials, (b) writing pleadings and (c) executing the ICJ judgment.

7. In both of the above cases, the Secretary-General approved that only limited financial assistance be provided by the Fund to the Applicants as, in view of the Fund's limited assets, the Panel of Experts had felt it necessary to strike a balance between encouraging recourse to the Court and the need to be in a position to accommodate future applications should they be made at an early date.

IV. Contributions

8. Voluntary contributions to the Fund may be made by States, intergovernmental organizations, national institutions and non-governmental organizations, as well as natural and juridical persons.

9. During the period under review, 18 States contributed to the Fund, as listed below.

10. As at 30 June 2001, the total balance of the Fund was US$ 1,602,734. This amount excludes awards which have already been paid.

State	1992	1993	1994	1995	1996	1997	1998	1999	2000
Austria	10 000.00	10 000.00	13 400.00	13 400.00					
Cyprus	2 000.00								
Dominica		3 685.00			3 683.57				
Finland	22 119.00	19 979.68	20 936.74	26 953.55	25 196.84	22 113.18	22 632.27	20 232.43	16 480.79
France	56 603.77	51 282.05	53 097.34	61 224.49					
Germany									
Hungary	2 000.00								
Iran (Islamic Republic of)		20 000.00							
Luxembourg	2 959.42	2 925.74 2 785.71	3 138.49	3 553.34	3 163.56	2 799.36	2 653.45		
Japan		25 000.00	25 000.00	25 000.00	25 000.00	25 000.00	24 000.00	24 000.00	24 000.00
Mexico	5 000.00	5 000.00	5 000.00	5 000.00	5 000.00	5 000.00	1 184.79 3 815.21	5 000.00	5 000.00
Morocco	3 784.47								
Singapore	5 000.00								
Spain	19 196.43	16 714.50		15 617.31	15 415.56				
Sri Lanka	1 000.00								
Sweden	69 084.63		53 368.91						
United Kingdom	7 535.00		20 000.00				25 000.00		32 000.00 1 121.65
Venezuela				444.85		871.33 512.07			

V. Needs assessment

11. The Charter of the United Nations recognizes settlement of international disputes "by peaceful means, and in conformity with the principles of justice and international law" as one of the basic purposes of the United Nations and as an essential tool for the maintenance of international peace and security. ICJ is the principal judicial organ of the Organization. As noted above, the Fund was created with a view to facilitating a decision by parties to a dispute to seek judicial settlement of their dispute through ICJ. Despite numerous appeals by the Secretary-General, the Fund has had limited resources since its inception. As a result, there has been little recourse to the Fund by States that lack the necessary financial resources to present their cases before ICJ. States are therefore urged to make contributions to the Fund not only in a substantial manner but also on a regular basis.

VI. How to contribute?

12. Voluntary contributions to the Fund can be made by bank transfer to:

Account number:	485-001969
Account name:	United Nations General Trust Fund Account
Bank name:	Chase Manhattan Bank
Location:	United Nations Branch New York, NY 10017
ABA number:	021-000-021
SWIFT code:	CHASUS33

13. Contributions can also be made by cheque to the order of the United Nations. Send the cheque to:

Cashier's Office
United Nations
New York, NY 10017, USA

On the cheque, indicate that it is for "the ICJ Trust-Fund", account code TJA.

14. For any additional information, please contact the Office of the Legal Counsel, Office of Legal Affairs. Telephone: + 1 212 963 5350; fax: + 1 212 963 6430.